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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/024,773	12/20/2001	Michael Epstein	US 010675	3921

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EXAMINER

MOORTHY, ARAVIND K

ART UNIT PAPER NUMBER

2131

DATE MAILED: 05/19/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/024,773

Applicant(s)

EPSTEIN, MICHAEL

Examiner

Aravind K Moorthy

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 01 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 01 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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DETAILED ACTION

1. Claims 1-20 are pending in the application.
2. Claims 1-20 stand being rejected.

Response to Amendment

3. The examiner approves changes to the drawings.

Response to Arguments

4. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

5. Claims 1-5 and 10-16 are rejected under 35 U.S.C. 102(e) as being anticipated by Tewfik et al U.S. Patent No. 6,282,299 B1.

As to claims 1 and 10, Tewfik et al suggests receiving a request for a requested segment of a plurality of segments that comprises a data set [column 1, lines 36-40]. Tewfik et al discloses locating a substitute segment from a collection of substitute segments. Tewfik et al discloses that the substitute segment having a watermark that contains a watermark value is associated with the requested segment. Tewfik et al discloses communicating the substitute segment in response to the request for the requested segment. Tewfik et al discloses that the requested segment is not included in a select subset of the plurality of segments that comprise the data set [column 7 line 61 to column 8 line 21].

As to claims 2 and 11, Tewfik et al discloses locating a substitute segment includes determining the watermark value that is associated with the requested segment [column 8, lines 9-21].

As to claims 3 and 12, Tewfik et al discloses communicating the requested segment in response to the request when the requested segment is within the select subset [column 8, lines 9-21].

As to claims 4 and 13, Tewfik et al discloses adding segments of the select subset to the collection of substitute segments [column 6, lines 1-19].

As to claims 5 and 14, Tewfik et al discloses receiving a dictionary of the data set that identifies each watermark value corresponding to each segment of the plurality of segments comprising the data set, to facilitate determining the watermark value that is associated with the requested segment [column 5, lines 58-67].

As to claim 15, Tewfik et al discloses receiving a request from the watermark security system for a select segment of a data set that includes a plurality of segments, as discussed above. Tewfik et al discloses providing a substitute segment from a collection of substitute segments when the select segment is not within in a subset of segments to be rendered of the plurality of segments comprising the data set, as discussed above. Tewfik discloses determining whether the substitute segment is acceptable to the watermark security system [column 5, lines 12-43]. Tewfik et al discloses associating the substitute segment to the select segment of the data set, if the substitute segment is acceptable to the watermark security system [column 8, lines 9-21].

As to claim 16, Tewfik et al discloses that the dictionary is configured to contain a set of associations of substitute segments for the plurality of segments of the data set [column 6, lines 1-19].

As to claim 17, Tewfik et al discloses requesting a requested segment of the plurality of watermarked segments to verify authenticity of at least one of the plurality of watermarked material included in the requested segment [column 7, lines 27-36]. Tewfik et al discloses obtaining the at least one of the plurality of watermarked segments from a collection of substitute segments included in the watermark security system when the requested segment is not included in the selected material. Tewfik et al discloses obtaining the at least one of the plurality of watermarked segments from the requested segment when the requested segment is included in the selected material [column 8, lines 9-21].

As to claim 18, Tewfik et al discloses that the substitute segments have watermarks that contain watermark values that are associated with the watermarked segments of the content material of the data set [column 6, lines 10-19].

As to claim 19, Tewfik et al discloses requesting a requested watermark of the watermarks, as discussed above. Tewfik et al discloses obtaining the requested watermark from a collection of substitute watermarks included in the watermark security system when the requested watermark is not included in the portion [column 7, lines 11-36].

As to claim 20, Tewfik et al discloses obtaining the requested watermark from the portion when the requested watermark is included in the portion [column 8, lines 9-21].

6. Claims 6-9 are rejected under 35 U.S.C. 102(e) as being anticipated by Rhoads U.S. Patent No. 6,411,725 B1.

As to claim 6, Rhoads discloses an interface that is configured to receive a request for a requested segment of a plurality of segments comprising a data set [column 11 line 66 to column 12 line 13]. Rhoads discloses a dictionary that is configured to provide a watermark value corresponding to the requested segment. Rhoads discloses and a substitution device operably coupled to the interface and to the dictionary [column 6, lines 46-59]. Rhoads discloses that it is configured to provide a substitute segment from a collection of watermarked segments in response to the request. Rhoads discloses that the substitute segment includes a watermark that has the watermark value corresponding to the requested segment. Rhoads discloses that the requested segment is not within in a selected subset of segments of the plurality of segments comprising the data set [column 10, lines 17-54].

As to claim 7, Rhoads discloses that the interface is further configured to provide the requested segment from the select subset of segments, when the requested segment is within the select subset [column 13, lines 47-58].

As to claim 8, Rhoads discloses that the substitution system is further configured to add segments of the select subset of segments to the collection of watermarked segments [column 4, lines 29-46].

As to claim 9, Rhoads discloses that the dictionary is further configured to receive a mapping of each watermark value corresponding to each segment of the plurality of segments comprising the data set [column 13, lines 50-64]. Rhoads discloses that this facilitates a determination of the watermark value corresponding to the requested segment, as discussed above.

Conclusion

7. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event,

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however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Aravind K Moorthy whose telephone number is 703-305-1373. The examiner can normally be reached on Monday-Friday, 8:00-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz R Sheikh can be reached on 703-305-9648. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Aravind K Moorthy
May 13, 2004


AYAZ SHEIKH
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100